

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

**THOMAS SHEPPHEARD,
TYLER RANDALL, and
ADAM PERRY, next friend
and guardian of Minor child J.P.,
on their own behalf and on behalf
of all others similarly situated,**

Plaintiffs,

v.

**JAMES C. JUSTICE JR.,
in his official capacity as Governor of
the State of West Virginia, and
MARK SORSAIA, in his official
capacity as the Cabinet Secretary
of the West Virginia Department
of Homeland Security,**

Defendants.

**Civil Action No. 5:23-cv-00530
(Judge Berger)**

**AMENDED NOTICE OF VIDEOTAPED DEPOSITION DUCES TECUM OF
MARK SORSAIA**

PLEASE TAKE NOTICE that Plaintiffs, by counsel, will take the videotaped deposition of Defendant Mark Sorsaia before a court reporter authorized to administer oaths. The deposition will take place on **Tuesday, June 18, 2024, beginning at 9:00 a.m.**, at a Shuman McCuskey Slicer, PLLC, located at 1411 Virginia St. E, Ste. 200, Charleston, WV 25301. A Zoom link will also be provided in advance of the deposition for all counsel that wish to attend via video conference. The deposition shall continue from day to day until completion and will be recorded by video, audio, audiovisual or stenographic means by a court reporter authorization to conduct such examinations. The witness and/or his counsel should produce any documents regarding the attached requests at least five (5) days prior to the date set for the deposition. (See, **Exhibit 1**).

You may appear to protect your interests.

PLAINTIFFS,

By Counsel,

/s/ Stephen P. New

Stephen P. New, Esq. (WVSB #7756)

Emilee B. Wooldridge, Esq. (WVSB#14310)

Stephen New & Associates

430 Harper Park Drive

P.O. Box 5516

Beckley, WV 25801

Phone: (304) 250-6017

Exhibit 1 - Production of Documents

1. Please produce any and all emails in possession, custody, and/or control of this witness, in accordance with the ESI search protocol attached hereto as **Exhibit 2**.
2. Please produce any and all text messages sent or received on your state issued cell phone in accordance with the ESI search protocol. See **Ex. 2**.
3. Please produce any and all documentary evidence which causes you to question the validity of Plaintiffs' claims.
4. Please produce the reports of the Cabinet Secretary which were required to be sent to the Governor of West Virginia pursuant to Article VII section 18 of the *West Virginia Constitution*, including but not limited to, any information in writing under oath that was ever requested from officers of WVDMAAPS/WVDHS; WVDOCR/ West Virginia Regional Jail Authority, relating to the condition, management, and/or expenses of or having any way to do with West Virginia's correctional facilities, as it relates to the allegations in Plaintiffs' Complaint.
5. Please produce documentation regarding any allegations, complaints, or concerns about alleged unconstitutional conditions of confinement at West Virginia correctional facilities from January 1, 2020 to present, inclusive of those from inmates, inmate families, employees, or any other person or entity;
6. Inmate grievances from January 1, 2020 to present regarding conditions having any way to do with the allegations in Plaintiffs' Complaint.
7. Any investigations pertaining to any of the conditions set forth in Plaintiffs' Complaint.
8. Documents pertaining to overcrowding in West Virginia's correctional facilities from January 1, 2020 to present.

9. Documents pertaining to understaffing in West Virginia's correctional facilities from January 1, 2020 to present.
10. Documents pertaining to overdue maintenance in West Virginia's correctional facilities from January 1, 2020 to present.
11. Any and all documentation regarding state and federal funding for West Virginia correctional facilities from January 1, 2020 to present.
12. Any and all documentation regarding the budget for West Virginia correctional facilities from January 1, 2020 to present.
13. Any and all investigations by any Federal Division, Department or Agency from January 1, 2020 to present.
14. The request, receipt, or use of any state or federal funding from January 1, 2020 to present.
15. Any and all documentation regarding the contracts or request for proposal of medical vendors, such as PrimeCare Medical Inc., and Wexford Health Sources, Inc., for all West Virginia correctional facilities from January 1, 2020 to present.
16. Any and all documentation regarding any criticisms of dissatisfaction with medical providers at West Virginia correctional facilities, or problems with the provision of healthcare to inmates at West Virginia's correctional facilities from January 1, 2020 to present.
17. Any and all requests for change orders or alterations to contracts with the State of West Virginia by PrimeCare Medical Inc., and/or Wexford Health Sources, Inc.

ESI PROTOCOL

Time Frame: September 2020 to present

Custodians:

- All current and former Superintendents at Southwestern Regional Jail, Mt. Olive Correctional Complex, and Donald R. Kuhn Juvenile Center from September 2020 to present
- Jim Justice
- Brian Abraham
- Mark Sorsaia
- Jeff Sandy
- Rob Cunningham
- Besty Jividen
- Brad Douglas
- William K. Marshall, III
- Jim Stout
- Curtis Dixon
- Mike Mayes
- David Farmer
- Marvin Plumley
- Denny Dodson
- JT Binion
- Mike Martin
- Scott Patterson
- Lance Yardley
- Steven Berthiume
- Donnie Ames
- Toby Allen
- Jeremy Dolin

Search Terms:

Southwestern Regional Jail, SWRJ, Southwestern, Mt. Olive Correctional Complex, Mt. Olive, Mount Olive Correctional, Donald R. Kuhn Juvenile Center, Kuhn, and any of the following terms:

- Overcrowd*, over-crowd*
- Staff*
- Understaff*, under-staff*

- Pop*
- Count
- Mat*
- Boat
- Dayroom
- Floor
- Tile
- Bed*
- Pillow
- Sheet
- Blanket
- Uniform
- Clothes
- Orange*
- White*
- Water
- Drink*
- Toilet
- Sink
- Plumb*
- Shower*
- Pipe*
- Hot
- Cold
- Leak*
- Broke*
- Sew*
- Contaminat*
- Mold*
- Black

- Bug
- Insect*
- Rodent*
- Mice, mouse
- Rat*
- Infest*
- Air, air conditioning, AC, A/C
- Heat*
- HVAC
- Vent
- Food
- Nutrition
- Aramark
- Spoil*
- Rotten
- Frozen
- Unsanitary
- Sanitary
- Dirt*
- Hungry
- Starv*
- Spork
- Cup*
- Flexcup, flex cup
- Tumbler
- Tray*
- Utensil*
- Recreation, rec
- Yard
- Exercis*

- Light*
- Fix*
- Door*
- Cell*
- Lock*
- Assault*
- Safe*
- Beat*
- Stab*
- Fight*
- Injur*
- Bleed*
- Death*
- Dead
- Kill*
- Murder*
- Intercom, com
- Call box, callbox
- Window*
- Sex*
- Rape*
- PREA
- Medical, med
- Wexford
- PrimeCare, primecare, Prime Care
- Hospital
- Medical Examiner, ME, M/E
- Coroner
- Funeral home
- ICU

- Intensive care
- Ambulance
- EMS, EMT
- Paramedic
- Doctor*
- Dr.
- MD
- Nurse*
- Sick*
- Ill*
- Medicine
- Medication
- Health
- Fire
- BRIM
- Department, dept
- Griev*
- Complain*
- Form
- Shred*
- Destroy*
- Burn*
- Evidence
- Hid*
- Delet*
- Over wight, overwritten
- Surveillance
- CCTV; Closed circuit
- Video*
- Cover*

- Inspect*
- Test*
- Investigat*
- Toilet paper, TP, T/P
- Hygiene
- Laund*
- Toothbrush, tooth brush
- Toothpaste, tooth paste
- Soap
- Shampoo
- Bodywash, body wash
- Bleach
- 911, 9-1-1
- Police, PD
- State Police, WVSP
- National Guard, Guard
- Officer*
- Trooper*
- Emergen*
- Fed*
- Civil, civil right
- Kitchen
- Maintenance
- Audit*
- Discrepanc*
- Repair*
- Replac*
- Fix*
- Remodel*
- Remediat*

- Pressure wash*

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CERTIFICATE OF SERVICE

Undersigned counsel for Plaintiffs hereby certifies that a true and correct copy of the foregoing *Amended Notice of Deposition Duces Tecum of Defendant Sorsaia* was served on May 24, 2024 via email to all counsel of record.

/s/ Stephen P. New
Stephen P. New (WVSB No. 7756)